

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION

JOHN D. RUSSELL,

Plaintiff,

vs.

MICHAEL J. ASTRUE,  
Commissioner of Social Security,

Defendant.

Case No. 4:07cv1011SNLJ/TCM

**ORDER**

Having received no objections thereto,

**IT IS HEREBY ORDERED** that the report and recommendation of United States Magistrate Judge Thomas C. Mummert, III (# 18), filed August 6, 2008 be and is **SUSTAINED**, **ADOPTED** and **INCORPORATED** herein.

**IT IS FINALLY ORDERED** that the Commissioner of Social Security's decision be and is **REVERSED** and pursuant to Sentence four of 42 U.S.C. § 405(g) **REMANDED** to the Commissioner for further proceeding. This Court does not retain jurisdiction of this case.

Dated this 4 th day of November, 2008.



UNITED STATES DISTRICT JUDGE